

# IN THE DISTRICT COURT OF HOLT COUNTY, NEBRASKA

THE STATE OF NEBRASKA,  
Plaintiff,

vs.

RANDY S. PETERSON,  
Defendant.

Case No. CR02-9

## JUDGMENT AND SENTENCE

**HEARING DATE:** December 2, 2002.

### APPEARANCES:

For plaintiff: Thomas P. Herzog, Holt County Attorney.

For defendant: defendant ☒ pro se  
☒ defendant reaffirms prior waiver of right to counsel

### CHARGES:

Count 1: Assault on an Officer in the Third Degree; § 28-931; Class IIIA felony

Count 2: Assault on an Officer in the Third Degree; § 28-931; Class IIIA felony

Count 3: Assault on an Officer in the Third Degree; § 28-931; Class IIIA felony

Count 4: Obstructing a Peace Officer; § 28-906; Class I misd.

Count 5: Resisting Arrest; § 28-904; Class I misd.

### PROCEEDINGS:

Prior Proceedings: ☒ reviewed by court;  
☒ motion for declaration for mistrial and request for change of venue considered,  
☒ no evidence  
argument for defendant: ☒ heard  
argument for plaintiff: ☒ heard  
motion is ☒ denied

Restitution Hrg: ☒ plaintiff waives/previously waived restitution, later withdraws waiver  
☒ restitution hearing held:  
evidence adduced for: ☒ plaintiff ☒ defendant,  
plaintiff's argument: ☒ heard  
defendant's argument: ☒ waived.

Presentence: ☒ presentence report disclosed to defendant  
☒ defendant has not reviewed report, granted add'l time, recess taken  
defendant's objections, additions, corrections: ☒ stated, ruling on record

plaintiff's objections, additions, corrections: ☒ none  
Evidence: plaintiff: ☒ has no evidence



jurisdiction of the Nebraska Department of Correctional Services for a period of not less than zero months, nor more than eight months, with 1 day(s) credit for time served before sentencing, to be served concurrently with the sentences imposed on Counts Nos. 1, 2, 3, and 4.

Remand/  
Commitment:

☎ It is therefore ordered that, upon expiration of any stay of execution provided for below, the defendant be remanded to the custody of the Sheriff of Holt County, Nebraska, to be taken for execution of sentence to the Nebraska Penal and Correctional Complex at or near the City of Lincoln, Lancaster County, Nebraska, and commitment thereto is hereby ordered accordingly and shall be issued by the court clerk under seal of this court.

Further App.:

☎ It is further ordered that in the event the defendant shall fail to pay any fine, costs, or restitution as ordered above, the defendant shall appear at the first regular session of this court after the expiration of time for payment thereof, and show cause, if any there be, why the defendant should not be held in contempt of court and punished for failure to comply therewith.

Good Time:

☎ As required by law, the court advised the defendant on the record of the time required to be served on the sentence, assuming no good time for which the defendant is eligible is lost, upon:

- ☎ minimum term before attaining parole eligibility
- ☎ maximum term before attaining mandatory release

Bond:

After deduction of any statutory fees, the defendant's bond:

☎ Is continued until the sentence becomes final and upon expiration of the stay of execution of sentence provided for below.

Stay:

Upon defendant's motion, and after consideration of any objections thereto and arguments thereon, the:

☎ the execution of sentence is stayed, upon verbal notice of intention to appeal, until the first to occur: (1) the expiration of time for appeal if no appeal is timely filed and perfected, or, (2) entry of judgment upon the mandate of the appellate court if appeal is timely filed and perfected. Upon expiration of stay, commitment shall issue in accordance with the final judgment and the defendant shall appear and surrender to the said county sheriff for execution of sentence.

☎ Upon any failure to appear and surrender, upon appropriate affidavit and motion, the defendant shall be subject to: (1) forfeiting bond, (2) prosecution for the separate crime of Failure to Appear, and/or (3) arrest upon bench warrant.

Other:



Defendant's request for appellate counsel denied without prejudice.

Signed at **O'Neill**, Nebraska, on **December 2, 2002**;  
DEEMED ENTERED upon file stamp date by court clerk.

BY THE COURT:

If checked, the court clerk shall:



Mail a copy of this judgment to all counsel of record and any pro se parties.

Done on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.



Immediately transcribe trial docket entry dictated in open court.

Done on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.



Deliver certified copy of judgment and original commitment to sheriff for execution of sentence.

Done on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.



Mail postcard/notice required by § 25-1301.01 within 3 days.

Done on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.



Enter judgment on the judgment record.

Done on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.

Mailed to:

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William B. Cassel  
District Judge